



## IN THE COURT OF CRIMINAL APPEALS OF TEXAS

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NO. WR-95,442-01

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**EX PARTE FRANCIS MARTIN, Applicant**

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**ON APPLICATION FOR A WRIT OF HABEAS CORPUS  
CAUSE NO. 7199-A IN THE 39TH DISTRICT COURT  
FROM HASKELL COUNTY**

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*Per curiam.*

### **OPINION**

Applicant pleaded guilty to possession of a controlled substance and was placed on deferred community supervision. Following the adjudication of his guilt, he was sentenced to eight years' imprisonment. Applicant filed this application for a writ of habeas corpus in the county of conviction, and the district clerk forwarded it to this Court. *See* TEX. CODE CRIM. PROC. art. 11.07.

Applicant contends that he was denied his right to an appeal because appellate counsel failed to timely file a notice of appeal. The parties all agree that appellate counsel failed to timely file a notice of appeal.

Relief is granted. *Ex parte Axel*, 757 S.W.2d 369 (Tex. Crim. App. 1988); *Jones v. State*, 98 S.W.3d 700 (Tex. Crim. App. 2003). Applicant may file an out-of-time appeal of his conviction

in cause number 7199 from the 39th District Court of Haskell County. Within ten days from the date of this Court's mandate, the trial court shall determine whether Applicant is indigent. If Applicant is indigent and wants to be represented by counsel, the trial court shall appoint counsel to represent his on direct appeal. Should Applicant decide to appeal, he must file a written notice of appeal in the trial court within thirty days from the date of this Court's mandate.

Copies of this opinion shall be sent to the Texas Department of Criminal Justice—Correctional Institutions Division and the Board of Pardons and Paroles.

Delivered: February 14, 2024  
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